

# **EXHIBIT**

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: New York City Policing During Summer 2020  
Demonstrations

Index No. 20-cv-8924 (CM)(GWG)

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BRIDGET FITZPATRICK, Managing Attorney of the Civil Litigation Unit (“CLU”) of the New York City Police Department (“NYPD”), declares under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an attorney admitted to practice in the State of New York.
2. I submit this declaration at the request of the New York City Law Department, attorneys for the Defendants herein, in support of Defendants’ motion to be relieved from the Court Order dated April 26, 2023, requiring the production of the NYPD Administrative Guide.
3. On April 26, 2023, the Court issued an Order that Defendants provide Plaintiffs with a date certain for the complete production of the NYPD Administrative Guide aside from the sections that Defendants deem privileged. Plaintiffs have requested a copy of the entire Administrative Guide that was in effect from May 28, 2020 to February 12, 2021.
4. The Management Orders and Directive Section (MODS) is the custodian of the NYPD Administrative Guide. The Administrative Guide is organized by sections and those sections are broken down into subsections. The Administrative Guide is continually updated and revised. Therefore, the Administrative Guide is maintained digitally and is available for all Members of Service on the Intranet. Only portions of the Administrative Guide are available on the NYPD public website.

5. A revision to the Administrative Guide may not be noted in any particular subsection of the Administrative Guide. Modifications to other policies and directives from other governing documents can produce a revision to the Administrative Guide. Because of the different ways the Administrative Guide may be revised, locating the dates the revisions were made would require a manual search across many other types of policies. Thus it would be difficult to tell what revisions were made in the period requested by plaintiffs.
6. MODS does not print hard copies of the Administrative Guide in the normal course of business. The Civil Litigation Unit (CLU) of the NYPD Legal Bureau has access to the digital Administrative Guide. It took CLU twelve (12) hours to print the most recent Administrative Guide using four (4) Members of Service (MOS). As the Administrative Guide is updated frequently and it took three (3) hours just to confirm that CLU was working with the most up to date version of the Administrative Guide.
7. MODS maintains the subsections on a shared drive and saves any revision related to any subsection on the shared drive. MODS does not print or maintain hard copies of the Administrative Guide. In order to comply with the Plaintiffs' request, MODS would have to go through 24 sections each containing anywhere from approximately 3 to 30 subsections. MODS would then have to review each subsection to determine when the subsection was issued and if there were any revisions issued during the requested time period.

*Bridget Fitzpatrick* /s/  
BRIDGET FITZPATRICK